

Mark D. Estle, SBN 135004  
Buckley Madole, P.C.  
12526 High Bluff Drive, Suite 238  
San Diego, CA 92130  
Telephone: (858) 720-0890  
Fax: (858) 720-0092  
Mark.Estle@BuckleyMadole.com

Attorney for Movant

**UNITED STATES BANKRUPTCY COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA, SANTA ROSA DIVISION**

In re

Robert DeCoite Jr. and Alicia N DeCoite

Debtors,

Deutsche Bank National Trust Company, As  
Trustee Of The Home Equity Mortgage Loan  
Asset-Backed Trust Series INABS 2006-E, Home  
Equity Mortgage Loan Asset-Backed Certificates,  
Series INABS 2006-E Under The Pooling And  
Servicing Agreement Dated Dec 1, 2006

Movant,

vs.

Robert DeCoite Jr. and Alicia N DeCoite,  
Debtors and David Burchard, Trustee

Respondents,

Case No. 10-10390-AJ

Chapter 13

RS No. MDE-1225

**MOTION FOR RELIEF FROM  
AUTOMATIC STAY**

Hearing:

Date: June 13, 2013

Time: 9:00 a.m.

Place:

99 South E Street  
Santa Rosa, CA 95404

**TO THE HONORABLE ALAN JAROSLOVSKY, UNITED STATES BANKRUPTCY COURT  
JUDGE, THE DEBTORS, THE DEBTORS' COUNSEL, THE TRUSTEE, AND OTHER  
INTERESTED PARTIES:**

Deutsche Bank National Trust Company, As Trustee Of The Home Equity Mortgage Loan  
Asset-Backed Trust Series INABS 2006-E, Home Equity Mortgage Loan Asset-Backed Certificates,  
Series INABS 2006-E Under The Pooling And Servicing Agreement Dated Dec 1, 2006 ("Movant")  
hereby moves this Court for an Order granting relief from the automatic stay under 11 U.S.C. §362 as

1 to the Debtors and Debtors' bankruptcy estate in the above-captioned matter so that Movant may  
2 enforce its remedies against the property in accordance with applicable non-bankruptcy law on the real  
3 property commonly known as 3963 Sacramento Avenue, Santa Rosa, California 95405 (the  
4 "Property").

5 Movant hereby moves this Court for an Order granting relief from the automatic stay on the  
6 following grounds:

7 1. **Pursuant to 11 U.S.C. § 362(d)(1), Movant's interest is not adequately protected as**  
8 **Debtors have failed to make post-petition payments:** The evidence establishes that Debtors have  
9 failed to make post-petition payments to Movant. Therefore, Movant's interest in the Property is not  
10 adequately protected.

11 Movant submits the attached Declaration and Memorandum of Point & Authorities, as well as  
12 other evidence attached hereto in support of its Motion.

13 **WHEREFORE**, Movant prays that this Court issues an Order as follows:

14 1. An Order Granting Relief from the Automatic Stay to allow Movant, its successors, transferees,  
15 and assigns, to proceed under applicable non-bankruptcy law to enforce its remedies against the  
16 Property.

17 2. The Order be binding and effective despite any conversion of this bankruptcy case to a case  
18 under any other chapter of Title 11 of the United States Code.

19 3. That the 14-day stay described by Bankruptcy Rule 4001(a)(3) be waived.

20 4. That Movant, or its agents, may, at its option, offer, provide and enter into a potential  
21 forbearance agreement, loan modification, refinance agreement or other loan workout or loss  
22 mitigation agreement. Movant, through its servicing agent, may contact the Debtors via telephone or  
23 written correspondence to offer such an agreement. Any such agreement shall be nonrecourse unless  
24 stated in a reaffirmation agreement.

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1        5. If relief from stay is not granted, Movant respectfully requests the Court to order adequate  
2 protection, or any other further relief as the Court deems just and proper.  
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4 Dated: May 16, 2013

Respectfully Submitted,

**Buckley Madole, P.C.**

By: /s/ Mark D. Estle  
MARK D. ESTLE  
Attorney for Movant